

Municipal Building, Harmony, NJ,
May 4, 2004-7:30 p.m.

Regular Preside	The regular meeting of the Township Committee of Harmony Township Warren County, New Jersey was called to order by Mayor Louis G. Mattei. Mayor Mattei made the following announcement: Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to The Star-Gazette and The Express-Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk. The Pledge of Allegiance to the American Flag was led by Mayor Mattei.
Roll call	Present were Mayor Louis G. Mattei, Committeeman John H. Burdge, Committeewoman Abigail Postma, Engineer Nevitt Duveneck and Zoning/Code Enforcement/Public Officer John S. Fritts.
Engineer s Report	<p>Engineer Nevitt Duveneck reported on the following:</p> <ol style="list-style-type: none">1. Rotundi/Harmony Compost Site Inspection; overall site was in good shape. Settling ponds working, and a lot of material is being moved. Looked like they are working on the Tully pile that was supposedly hazardous. A meeting is to be scheduled with DEP and Township representatives with Rotundi organization.2. FEMA Flood Mitigation Grant Application; correspondence was submitted to withdraw from the application. Engineers office and Dick Collins met with representatives of FEMA to discuss future Flood Mitigation Applications in the Township. For future applications it will be beneficial to be prequalified prior to applying for future grants.3. The Mason Dump Truck has been ordered and delivery can be expected in the fall.4. The NJDOT has confirmed receipt of the Merrill Creek Road stop sign request and ordinance. It is being processed.5. The traffic report is being processed for the Ridge Road Speed Limit request. It will be forwarded to the NJDOT for processing.6. The NJDOT guiderail improvement preconstruction meeting was held. There is a problem with the steel and the project has been slightly delayed. The project should take approximately 2 weeks to complete.7. The FEMA Biennial Report of the flood plain areas of the Township has been completed and forwarded to FEMA.8. 2004 Shandor Junkyard permit status remains the same. The Engineer consulted with the Township Attorney regarding the appropriate official that should send the zoning violation to Mr. Shandor. A follow up inspection by the Zoning Officer, Mr. Fritts, was to be done on May 3, 2004.9. 2003 Tax Map Updates are in the process of being completed.10. The survey of the Tjalma Farms has been completed except certifications. Separate correspondence was submitted regarding this project.11. The 4 barrels at the Witco Site have not been cleaned up by Compton as agreed to. Engineer Duveneck will contact French and Parrello, environmental consultant, regarding their expertise in Brownfields re-development.12. Engineer Duveneck reported their office is starting to assess the level of work required to comply with the new stormwater management regulations.13. Engineer Duveneck discussed the fall cleanup and price solicitation process. He recommended going out to bid soon in order to secure the dates we would like in October.14. Road Resurfacing Program bid will be developed and award will be recommended at the June meeting.15. Engineer Duveneck was asked to review with the NJDEP the possibility receiving tipping fees garnished from the Hydropress facility. The

Engineers office has not been able to contact the case manager and will continue to work on obtaining answers.

Moved by Burdge, seconded by Postma to approve the Engineers report for the month of May. Roll Call: Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

Road
Supervisor

The Road Supervisor s daily work report for the month of April was reviewed.

Road Supervisor Jim Fox requested approval to have electrical work completed by Kaiser Electric at the municipal garage due to PEOSHA requirements. After a recent inspection by PEOSHA it was noted that we need to have some areas brought into code.

Moved by Burdge, seconded by Mattei to approve Kaiser Electric for necessary electric work per estimate dated April 28, 2004. Ayes: Burdge, Mattei, Postma. Nays: none.

Road Supervisor Jim Fox asked if the committee wanted him to have the weeds/dandelions sprayed at the recreation site fields. After discussion, it was decided to wait on this item.

Mr. Fox also asked if a decision was made on adding onto the recreation site snack bar. The committee asked Mr. Fox to obtain quotes for a shed for comparison.

Mr. Fox discussed the rock wall on Ridge Road that is creating a drainage problem. Engineer Duveneck reported his office had completed a quick survey of the location and determined that it is within the township easement. Engineer Duveneck will correspond with Attorney Edleston regarding contacting the Lightcaps on their options to remedy the problem.

Road Supervisor Fox asked about the drainage pipes along Ridge Road by David Steele s property. Engineer Duveneck reported that he checked with Doug Mace and there was no stormwater management required when this area was developed. Mr. Fox reported that it would cost \$3260.00 to correct problem. Committeeman Burdge asked if road can be recrowned, Engineer Duveneck reported the Steele driveway would need reprofiling and crowning the road would possibly force water into the driveway. After further discussion, Committeeman Burdge recommended piping the area as required then the job will be done correctly. Moved by Burdge, seconded by Mattei to authorize the Road Department to pipe area to correct drainage problems. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none.

Moved by Burdge, seconded by Postma to approve Road Supervisor Fox s daily work schedule report as presented for the month of April. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

Zoning
Officer

The Zoning Officer s report for the month of April was reviewed and included the following items.

Rick Simpson was issued two house zoning permits for house on block 9 lots 19.01 and 20.03.

Bruno Beekmann, Marnell road, was issued a zoning permit for a 15 ft. x 18 ft. sunroom.

Henry Werts called about the use of lot 1 block 8(property next to Radiant Star Nursing home).

Steve Nemeth was granted a permit to resurface an existing front porch.

Spoke with Ann Hawk about property above the Harmony Church.

Spoke with Linda Williams about the Echo housing.

Spoke with Sandy Jones about building an pole barn. The property has farm land assessment.

Faxed Lucy Sears information about the sign ordinance.
Spoke with Casey about property at 1360 Strykers road and an oil tank removal.
Gloria Brooker inquired about flood hazard insurance information and home inspection.
Spoke with John Lilly, Warren County Health about the Skuba property at corner of Hutchinson and Reeder roads. Mr. Lilly has been in contact with the land owner informing him about the clean-up.
Chelsey Bent, ATT Wireless communications inquired about adding the remainder of antenna plates to their approved cell tower. No new antenna locations or panel boxes were proposed.
Dick Wehlem called about the status of the approval of the ECHO house. Zoning has been completed, but building permits have not been completed.
Chris Stoutford, Att Wireless, called about adding more antenna s to the existing approved cell site.
Randy Baakman, 11 Harkers Hollow Court, called about the violation notice. He stated he did not have the money to pave driveway, but will work towards the solution of the step driveway. He may regrade the whole driveway, or just the 6% to 15% grade area.
Bill Bishop called for the resolution and zoning permit from the previously approved variance. After outstanding fees have been paid, the zoning permit will be released.
David Allen, 1319 Ridge road, received a zoning permit for a shed.
Simon Whiffen, 1066 Harmony Station road, received a zoning permit for a fence.
David McConnell, 12 Church road, received a zoning permit per the conditions of the variance.
Jane Miksch, Richline road, received a permit for an above ground pool.
Richard Kutzler returned a call about the clean up of his front lawn.

Moved by Mattei, seconded by Burdge to accept the Zoning Officers report. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Consent The following items in the consent agenda were reviewed and approved:
Agenda Reports submitted by the Historic Preservation Commission; Environmental Commission; Animal Control Officer; Tax Collector, Chief Financial Officer; Recreation Site Groundskeeper and Emergency Management/911 Officer.

The following list of bills were approved:

Check #	Description	Amount
9693	Harmony Twsp. Board of Ed.	\$1,200,161.75
9694	Gene & George Smith Sanitation	211.92
9695	Allied Oil	446.21
9696	JCP&L	651.37
9697	East Penn Re-Builders Inc.	907.95
9698	Agway Energy Products	455.02
9699	County of Warren-Treasurer	726,609.04
9700	County of Warren-Treasurer	71,091.79
9701	Amanda Wojcik	32.45
9702	Verizon	422.70
9703	White Glove Treatment	405.00
9704	Ardito & Co. LLP	7,495.00
9705	Avaya, Inc.	185.55
9706	Printplus	20.00
9707	Fox Bros. Alarm Services	25.00
9708	The Express Times	57.36
9709	Treasurer, St of NJ	1,865.49
9710	Theresa Rogers	3.50
9711	Phillipsburg Area Chamber	352.00
9712	Jiorle s Office Supplies	93.72
9713	Macintosh Uniform Services	144.83

9714	NJSHBP	2,798.90
9715	Fox Brothers Alarm Services	25.00
9716	Rosenblum, Wolf & Lloyd	8,332.50
9717	Ann Viebrock	36.01
9718	Lyn Paul Aaroe	1,612.50
9719	International Healthcare, Inc.	111.00
9720	Finelli Consulting Engineers	4,137.00
9721	Mace Consulting Engineers, P.C.	3,860.50
9722	NJN Publishing Co.	270.66
9723	NAPA Auto Parts	Voided
9724	Buchalski, Reynolds & Brodowski	10,125.28
9725	Aramark Uniform Services	205.10
9726	Union Township Municipal Court	130.00
9727	Metrocall	89.55
9728	Home Depot	276.72
9729	Sherwin Williams	150.00
9730	Storr Tractor Company	625.93
9731	Vianini Pipe, Inc.	420.00
9732	Brian McKenna Plumbing	446.00
9733	W.C. Pollution Control	335.40
9734	Seely Equipment & Supply Co.	104.20
9735	AT&T Wireless Service	105.16
9736	Public Health Nursing Agency	75.00
9737	Vernon Motor, Inc.	5,189.67
9738	Harmony Sand & Gravel, Inc.	442.04
9739	Performanc Tire Co., Inc.	354.84
9740	Easton Block and Supply Co.	166.75
9741	Brown Transmission	321.00
9742	Seely Equipment & Supply Co.	1,030.06
9743	Powerco, Inc.	805.92
9744	Pitney Bowes	63.04
9745	AT&T	158.38
9746	Treasurer, State of NJ	voided
9747	Gross Income Tax	1,121.61
9748	James Wright	13.65
9749	Treasurer, State of NJ	40.00
4685	J.Richard Collins	336.08
4686	Mary E. Dobes	1,556.48
4687	John Fritts	711.01
4688	Joseph Hriczak	1,322.21
4689	Richard Motyka	1,132.02
4690	Ann D. Viebrock	651.63
	Debit Memo-PERS	1,233.98
	Debit Memo-EFTPS	2,331.32
	Debit Memo-EFTPS	6,168.40
4691	Bonnie Dakis	406.69
4692	James E. Fox	1,566.39
4693	Randy Hoffman	980.71
4694	Frank McLain, Jr.	1,256.27
4720	Frank McLain, Jr.	1,788.80
4703	Bonnie Dakis	405.78
4704	James Fox	1,592.44
4705	Randy Hoffman	1,101.15
4707	Kelley D. Smith	1,016.26
4708	J.Richard Collins	299.59
4709	Mary Dobes	1,396.97
4710	John Fritts	634.47
4711	Joseph Hriczak	1,187.52
4712	Richard Motyka	1,011.20
4713	Ann Viebrock	588.27

4714	Amanda Wojcik	209.47
4715	Karen A. Buckley	549.20
4716	John Burdge III	850.26
4717	Wesley D. Garrison	310.64
4718	Louis G. Mattei	864.45
4719	Abigail Postma	809.84
	Debit Memo-EFTPS	4,518.14
	Debit Memo-EFTPS	393.45
4695	Kelley D. Smith	1,790.36
4696	Void	
4697	Void	
4698	Void	
4699	Void	
4700	Void	
4701	Void	
4702	Void	
1007	Finelli Consulting Engineers	1,005.00
3203	Harmony Twp. General Fund	1,564.12
3204	Harmony Township	484.53
3205	Elizabeth McKenzie, PP,PA	1,665.01
3206	Lyn P. Aaroe, Esq.	2,682.05
3207	Thonet Associates, Inc.	2,800.00
3208	Finelli Consulting Engineers	138.00
3209	Mace Consulting Engineers, P.C.	3,544.30
1001	NJ Dept of Health/Sr. Services	78.00
1034	Finelli Consulting Engineers	487.50

R:04-32

A RESOLUTION REQUESTING THE SPONSORS OF S-1 AND A-2635
ENTITLED THE HIGHLANDS WATER PROTECTION
AND PLANNING ACT CONSIDER A DELAY IN PASSAGE

Whereas, the Highlands Water Protection and Planning Act was introduced on March 29, 2004 and,

Whereas, the bill directly affects almost a million people in 90 municipalities in seven counties in six legislative districts and,

Whereas, testimony at the two hearings held since the bill s introduction raised numerous questions about impacts on people, businesses and local governments, both inside and outside the preservation area and,

Whereas, an outline of the preservation area was not available until April 19 and,

Whereas, our democratic system of government depends on thoughtful debate of important issues by those elected to represent the people and,

Whereas, the people of the Highlands most affected by this legislation should not be subject to decisions affecting their communities without the opportunity to speak through elected representatives and,

Whereas, the landowners in the Highlands should not bear the whole burden of financing environmental protection and conservation for the rest of the state, and

Whereas, the State Plan Cross Acceptance process is an existing vehicle for discussing and refining this proposal,

Now, therefore be it resolved, by the Township of Harmony, Warren County, New Jersey, that the sponsors of S-1/A-2635 be asked to delay legislative decisions on this bill until its impacts are addressed and amendments crafted relating to the makeup of the Highlands Planning Council and the funding of land acquisition in the preservation area.

Be it further resolved, that copies of this resolution be forwarded to Governor McGreevey, all Legislators, the New Jersey State League of Municipalities, the New Jersey Association of Counties and the Star Gazette.

Roll Call: Ayes: Mattei, Burdge, Postma. Nays: None.

I hereby certify the above to be a true copy of a resolution adopted by the Harmony Township Committee on April 20, 2004.

Kelley D. Smith, Municipal Clerk

R:04-33

A RESOLUTION OPPOSING THE PASSAGE OF S-1 AND A-2635
ENTITLED THE HIGHLANDS WATER PROTECTION AND PLANNING
ACT

On a request by Committeewoman Postma and Committeeman Burdge the following resolution was adopted by the Township Committee of Harmony on April 21, 2004.

Whereas, the bills propose to create a Highlands Planning Council with the authority to oversee, regulate, and control all planning, land use, public capital improvement, variance, and development decisions within the preservation area and wield major influence over the decisions made in the remaining planning area; and

Whereas, the Highlands Planning Council membership does not provide for the representation of the critical interests vital to the region's well being, including agricultural, forestry, and small business; and

Whereas, the preservation area map had not been released in a timely manner allowing for review so the full impact of the proposed bill cannot be adequately assessed; and

Whereas, no fiscal or social impact analysis was completed to adequately assess the impacts on employment, taxes, landowner equity, affordable housing, businesses, and increased development pressure on areas located outside of the preservation area; and

Whereas, municipal and county conformance with the Highlands Master Plan, rules, and regulations of the preservation area will be mandatory, thereby stripping local government of constitutional and legal authority to control local planning and zoning matter; and

Whereas, the definitions of major development, disturbance, and impervious area, virtually eliminates all possibility of any development within the preservation area and fails to support activities necessary to sustain strong and viable agricultural and forestry operations; and

Whereas, because no exemption for agriculture exists in the bill, permits would need to be obtained to plow fields and harvest crops and would also prevent the harvesting of timber on forested lands; and

Whereas, water allocation permit requirements are overly restrictive and would negatively impact viable agricultural operations currently taking place in the Highlands; and

Whereas, municipal and county public works projects for bridge and road improvements, drainage, and recreation could be prohibited because of limitations on impervious coverage, zero net fill requirements, and disturbance; and

Whereas, the amount of source of funding for administration, payment in lieu of taxes, acquisition of land areas, and all associated costs are unaddressed; and

Whereas, the Highlands Planning Council will impose fees for all applications for development to be used to defray the full costs incurred in the processing,

review, and enforcement of applications thereby foisting the burden of funding the operations of the Highlands Planning Council on the residents of the Highlands region; and

Whereas, any person violating the provisions of the act and rules would be subject to excessive civil and criminal penalties, including financial penalties for first time offenders of up to \$25,000 per day with second offenders of up to \$50,000 per day; and

Whereas, the Highlands Planning Council will allocate the funds from the financial penalties to either acquire lands or purchase development rights in the development area, thereby creating the financial incentive for the Council to zealously enforce these provisions of the Act; and

Whereas, the bill provides state aid for five years to compensate municipalities for the loss of tax revenue but fails to provide aid to the counties for the loss in tax revenues; and

Whereas, assessed property values in the preservation areas will likely be appealed and lowered as a result, thereby necessitating the need to increase the property tax burden on property owners outside the preservation area; and

Whereas, the State's right to first refusal will have a negative impact on equity and the negotiation of fair price on land contracts; and

Whereas, land values within the preservation area will fall, leaving farmers with less equity in the land to borrow against, thereby losing agricultural viability; and

Whereas, there are too many inconsistencies and uncertainties relative to how the bill will reconcile the bottoms up approach of the State Development and Redevelopment Plan and the top down approach of the Highlands Plan relative to center designation, growth and preservation; and

Whereas, the bill fails to consider efforts currently underway by counties and municipalities to prepare strategic plans to manage growth within their respective jurisdictions; and

Whereas, the accepted practice of adopting a plan first and then adopting standards and regulation to implement the plan is violated in the bill where the Highlands Preservation Plan must be based on the predetermined environmental standards contained in the bill; and

Whereas, opportunities for stakeholder input in the development of a bill were non-existent and the amount of time provided for stakeholder review of the bills has been grossly insufficient; and

Whereas, the bill does not contain any language on cleaning up existing contaminated sites which continue to pollute the ground and surface water within the Highlands region; and

Whereas, it is unclear what the impacts on affordable housing development may be if municipalities within the preservation area petition on the Council of Affordable Housing for an affordable housing adjustment; and

Whereas, users of Highlands water outside of the region should pay a water fee for the acquisition of land areas in the preservation area; and

Whereas, the bill contains no measures to m\promote water conservation, such as the use of public water rates to promote conservation; and

Whereas, the bill is regulatory and contains no incentives for compliance with the preservation plan; and

Whereas, if the bill states that it is in the interest of all the citizens of the state to protect the area for its water, then this protection should be paid by all the residents and not just those who live in the Highlands.

Now, Therefore Be It Resolved by the Township of Harmony, Warren County, that the Township Committee opposes the passage of S-1/A-2635 and urges the Senate and Assembly committee members to oppose the bills release from committee.

Be It Further Resolved that copies of this resolution be distributed to the Governor, Senator Lance, Assemblywoman Myers, Assemblyman Doherty, the sponsors of the bills, all members of the New Jersey Senate and Assembly, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Secretary of Agriculture, the Boards of Chosen Freeholders of Warren County, and the Mayors of the Warren County Highlands municipalities.

Roll Call: Ayes: Committeewoman Postma, Committeeman Burdge.
Nays: Mayor Mattei

I hereby certify the above to be a true copy of a resolution adopted by the Harmony Township Committee of the County of Warren, State of New Jersey on April 21, 2004.

Kelley D. Smith, Municipal Clerk

R:04-35 RESOLUTION SUPPORTING APPLICATION TO THE NEW JERSEY HISTORIC TRUST OFFICE FOR THE GARDEN STATE HISTORIC PRESERVATION TRUST FUND 2004 HISTORIC SITE MANAGEMENT GRANT

WHEREAS, the Historical Commission of Harmony Township, Warren County, New Jersey, is working to preserve the historic Vannatta Farmstead, located in Harmony Township

WHEREAS, the Harmony Township Committee recognizes the importance of restoring this historical site rich in history and charm to ensure our children, grandchildren and generations to come can enjoy it s history and past and;

WHEREAS, the State of New Jersey has established a Garden State Historic Preservation Trust Fund Grant to provide the financial and technical support needed for historic preservation projects; and

WHEREAS, a resolution authorizing this municipality to apply for such grants will memorialize the commitment of this municipality bringing new life to New Jersey s Historical Buildings and restoring them to the original glory.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Harmony that the Township of Harmony hereby endorses the submission of Garden State Historic Preservation Trust Fund 2004 Historic Site Management Grant application.

ATTEST:

Kelley D. Smith, Municipal Clerk Louis G. Mattei, Jr., Mayor

I, Ke I, Kelley D. I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby c
foregoing to be a true copy of a Resolution adopted by the Harmony Township
Committee at a meeting held on April 27, 2004.

Kelley D. Smith, Municipal Clerk

R:04-36

RESOLUTION AUTHORIZING THE MAYOR TO APPROVE
AND SIGN AN APPLICATION TO THE NEW JERSEY HISTORIC TRUST
OFFICE FOR THE GARDEN STATE HISTORIC PRESERVATION TRUST
FUND 2004 HISTORIC SITE
MANAGEMENT GRANT

WHEREAS, the Historical Commission of Harmony Township, Warren County, New Jersey, is working to preserve the historic Vannatta Farmstead, located in Harmony Township and;

WHEREAS, the State of New Jersey has established a Garden State Historic Preservation Trust Fund Grant to provide the financial and technical support needed for historic preservation projects which the Harmony Township Historical Commission is submitting an application.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Harmony empowers the Mayor Louis Mattei to authorize the Garden State Historic Preservation Trust Fund 2004 Historic Site Management Grant application.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do I, Kelley D. Smith, certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Township Committee on April 27, 2004.

Kelley D. Smith
Municipal Clerk

R:04-37

A RESOLUTION PERMITTING A DISPLAY OF FIREWORKS
DURING WEDDING CEREMONY OF SANDRA AND STEVEN JONES

WHEREAS, Sandra Jones and Steven Jones have scheduled a wedding ceremony to be held on June 5, 2004 which includes an exhibition of fireworks to be conducted under the supervision of Garden State Fireworks, Inc; and

WHEREAS, Garden State Fireworks, Inc. has entered into a contract with Sandra Jones and Steven Jones in connection with the fireworks display and has submitted a certificate of insurance with the Township naming it as an additional insured there under; and

WHEREAS, Garden State Fireworks, Inc. is further authorized and granted a permit for said fireworks display pursuant to N.J.S.A. 21:3-3; and

WHEREAS, the Harmony Township Volunteer Fire Company will be standing by at the scene;

NOW, THEREFORE BE IT RESOLVED by the Harmony Township Committee that approval is given for the fireworks display on June 5, 2004 to be conducted on land owned by Sandra Jones and Steven Jones known as Block 26, Lot 58.06, by Garden State Fireworks, Inc.

ATTEST:

Kelley D. Smith, Municipal Clerk

Louis G. Mattei, Mayor

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its regular meeting held on May 4, 2004.

R:04-38

AUDIT RESOLUTION

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2003 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, Such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Township of Harmony hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true and accurate copy of a resolution duly and unanimously adopted by the Harmony Township Committee at its regular meeting held on May 4, 2004.

Kelley D. Smith, Municipal Clerk

R:04-39 FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION
NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the *Committee* of the Township of Harmony in the County of Warren, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$2,405.72, which is now available from the State and Local All Hazard Emergency Operations Planning Grant in the amount of \$2,405.72.

BE IT FURTHER RESOLVED, that the sum of \$2,405.72 is hereby appropriated under the caption All Hazard Emergency Operations Planning Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State and Local All Hazard Emergency Operations Planning Grant in the amount of \$2,405.72.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, in the County of Warren, in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Township Committee of the Township of Harmony in the County of Warren in the State of New Jersey.

Kelley D. Smith, Municipal Clerk

Moved by Mattei, seconded by Postma to approve the items under consent agenda as reviewed. Roll Call: Ayes: Mattei, Postma, Burdge. Nays: none.

Corres-
pondence

Correspondence received for the month of April was reviewed by the Committee which included:

Gil Greene

Resignation letter for Chair of the Harmony Township Land Use Board

New Jersey Future

TDR Series/ May 26th 8-9:30 am

Jersey Central Power & Light

Annual Universal Fund Compliance Filing/Public Hearing

State of New Jersey, Governor

Notice: Board of Public Utilities Legislative type Hearing April 30, 2004

State of New Jersey, DEP

Black Bear Awareness

Community Prevention Resources

Agency is seeking new Board Members

Pennsylvania, DEP

PA Black Fly Suppression Program, Aerial Spraying Public Info.

Ridge and Valley Conservancy Inc.

Sussex & Warren Counties Farmland and Open Space Roundtable

Harmony Twp. Historic Preservation Commission

Thank you for volunteer recognition dinner

Delaware River Keeper

VX Nerve Gas to be disposed into Delaware River/ Sample Resolution attached

Phillipsburg, NJ

Re-Examination of the Master Plan

Office of Governor McGreevey- News Releases

McGreevey Presents Landmark Plan for Property Tax Reform

McGreevey Signs Landmark Law Protecting NJ's Families (Patient safety, reporting of medical errors by hospitals, nursing homes, and other healthcare facilities)

Deployment of National Guard Soldiers to Guantanamo Bay, Cuba
McGreevey Celebrates Earth Day by Protecting the Health of New Jersey's Children
Governor's 2004 Workforce Summit Message
Governor Signs Brown Fields Funding Legislation
Governor McGreevey, Senator Carper Highlight Jobs for America's Graduates Program

Mayor's Fax Advisories; NJ State League of Municipalities
Clean Communities Funding
Validity of Solicitation Ordinances in NJ
Mayor's Property Tax Summit Re-Scheduled for April 30th, 2004
Contractor's Registration Act/PFRS Enhanced Benefits

Shandor's Junk Yard License	Nothing has been received from Mr. Shandor. This item will be placed on the agenda for June.
O:04-06	<p>AN ORDINANCE AMENDING CHAPTER 107 OF THE CODE OF THE TOWNSHIP OF HARMONY ENTITLED JUNKYARDS was called up for second reading by title only, a copy of said ordinance having been posted on the Township bulletin board, published in the Star Gazette on April 15, 2004, the official newspaper of the township, and copies made available for inspection.</p> <p>Moved by Mattei, seconded by Burdge that a hearing on the ordinance be opened to the public. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.</p>
Public Hearing	<p>Engineer Duveneck expressed his concern on changing the license renewal term just because of a request by the license holder. He noted that the facility is suppose to be in compliance throughout the year, not just at license renewal time, so he feels that extending the renewal time to April defeats the requirement of remaining in compliance. Mayor Mattei agreed, however, noted that this is a modest accommodation, discussed the past year's licenses not being granted until April because of weather conditions in January. Committeewoman Postma noted that the township is trying to work with Mr. Shandor and this was requested by Melody Shandor earlier.</p> <p>Mr. Robert Shandor questioned the application process and fees that are charged. He asked if Joe Shandor had to pay another \$300 application fee. He was told only the application needed to be resubmitted for review.</p> <p>Moved by Mattei, seconded by Burdge to close the hearing. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.</p>
Adoption	Moved by Mattei, seconded by Burdge that an ordinance entitled An Ordinance Amending Chapter 107 of the code of the Township of Harmony entitled Junk Yards pass second reading and be adopted, be advertised in the Star Gazette and become effective according to law. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.
O:04-07	<p>AN ORDINANCE APPROPRIATING THE SUM OF \$50,000 FROM THE CAPITAL IMPROVEMENT FUND OF THE CAPITAL BUDGET IN CONJUNCTION WITH THE COSTS ATTRIBUTABLE TO THE PURCHASE OF A 2004 FOR SUPER DUTY F-450 MASON DUMP TRUCK TO BE USED BY THE HARMONY TOWNSHIP ROAD DEPARTMENT was called up for second reading by title only, a copy of said ordinance having been posted on the Township bulletin board, published in the Star Gazette on April 15, 2004, the official newspaper of the township and copies made available for inspection.</p> <p>Moved by Mattei, seconded by Postma that a hearing on the ordinance be opened to the public. Roll Call: Ayes: Mattei, Postma, Burdge. Nays: none.</p>
Public Hearing	There being no public comment, moved by Mattei, seconded by Burdge to close the public hearing. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.
Adoption	Moved by Mattei, seconded by Burdge that an ordinance entitled An Ordinance Appropriating The Sum Of \$50,000 From The Capital Improvement Fund Of The Capital

Budget In Conjunction With The Costs Attributable To The Purchase Of A 2004 For Super Duty F-450 Mason Dump Truck To Be Used By The Harmony Township Road Department pass second reading and be adopted, be advertised in the Star Gazette and become effective according to law. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Delaware Wild & Scenic MIG Grant Moved by Burdge, seconded by Mattei to authorize the Environmental Commission to apply for the Delaware Wild and Scenic MIG Grant. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: None.

Jr. Fire Fighter Mr. Brian Buckley, Harmony Township Volunteer Fire Department, addressed the committee requesting approval to form a Jr. Fighter Program. He noted that there are only 35 members at the present time and it would benefit the fire department tremendously to have the extra manpower and to encourage volunteerism. The Jr. program would be for 16-17 year olds. Mayor Mattei asked what the duties of a Jr. Fire Fighter would include. Mr. Buckley explained that the child labor law covers what is allowable, i.e., no machine type tools only hand tools can be used, and they can be used for traffic control. There are many simple tasks that they will be able to perform that will be very helpful during fire calls, drills, etc. Moved by Mayor Mattei, seconded by Postma to establish a Jr. Fire Fighter program for the Harmony Township Volunteer Fire Department and authorize Attorney Edleston to prepare a resolution establishing such. Roll Call: Ayes: Mattei, Postma, Burdge. Nays: none.

Public Comment Mr. Robert Shandor asked the committee if Transmix was still in bankruptcy? Mayor Mattei informed Mr. Shandor that it is being worked on. Mr. Shandor expressed his concern that the hearing for Tina Daly, Wildcat Express, keeps getting postponed. He asked if the Committee would send a letter to Judge Pursell asking for a remedy. Mr. Shandor asked if the committee received his letter regarding an appeal hearing on subdivision/variance fees he has incurred. He feels the Land Use Board Engineer fees are excessive. He noted the committee has to accept his appeal or deny it, if it is denied, he will file with the construction board of appeals and civil court. The committee will reconsider this issue at the June meeting.

Karen Buckley, Environmental Chairperson, asked for guidance from the committee. She asked how liable the township becomes when she is asked to answer questions when people are interested in purchasing property in Harmony. The committee agreed that any questions requesting information should be requested through the Municipal Clerk's office utilizing an Open Public Records Access Form. She informed the Committee that the Environmental Commission received the ANJEC Grant for \$8000. She asked if the meeting with NJDEP and Unified Representatives had been scheduled. Mayor Mattei noted that no action has taken place since last meeting. Karen reported that Unified trucks have been seen going by the school during hours of bus loading and unloading which they had agreed not to do and she noted that full trucks have been seen going into the facility. She distributed information on the new company, We Care, that is interested in purchasing the Unified facility.

Highlands Legislation The following public comments were voiced regarding the proposed Highlands Bill that is pending. Karen Buckley asked about the resolution passed by the committee opposing the Highlands Bill. Committeewoman Postma stated she requested the resolution. She opposes the bill as it stands and could not consciously support it in its current form. Mrs. Buckley reported that attorneys at Rutgers Law suggested if the area where the Centex development is being proposed were opted into the Highlands Region there would be a chance that the development would not be allowed to be built. Mayor Mattei noted that there were two resolutions that the committee passed. The first one was asking to delay the vote, the second was opposing the bill. He discussed the amendments that were being proposed and he was not in position to oppose the bill. Committeewoman Postma discussed reasons she was in opposition, including the land values, she does not want things to be opposed on the township, COAH issues need to be addressed. She also noted that there was not anything in the bill stating if areas were opted in, that development would be stopped and she is concerned that this is not a voluntary program. Mayor Mattei noted that there are some good things in the bill, but there are also other ways for preservation in the Township. Mrs. Buckley noted that she had

asked the Rutgers attorney if the pending development was considered a COAH development could it be stopped and she was told that there was potential.

Dale Crouse asked if the township was in the Highlands would there be a local Land Use Board or would local control be lost? He described it to being similar to the Pinelands Act and how that was controlled by the State, the implication of transfer of development rights and the compensation was nothing but a sales pitch. He suggested the committee talk to the people who experienced the Pinelands issues and learn from them. He noted that there is no doubt that everyone wants preservation in the township, but by doing it the right way. Mayor Mattei noted that there is a difference between the Pinelands Act and this Program.

Sue Salter spoke about the tax base stabilization program, how the impervious area is of a lot, not a large development. She also discussed such items such as stringent protection issues, how the Highlands Council and DEP would direct all new growth not the local boards, and how we could end up with large amounts of development on the flatlands. She noted that the Council would consist of 15 members, only 8 from the area in question and from the most populated area, the other 7 do not even have to be residents of the state, but must drink the water from the Highlands region. She stated it's just like the DRJTBC, they decide what it will cost us, and we can be asked to do work without compensation. She noted that all of Rt. 519 is in the core area and nothing can be changed to any road in core area without the Highland council's permission. She also stated that since we have already received COAH substantial certification, COAH may not be able to be changed.

Mayor Mattei distributed copies of the amendments as of April 22, 2004.

Mark Harlos spoke on behalf of the Highlands Bill. He noted that the Township Committee will not be voting on the bill, Legislation will be and there is a realistic possibility that it will pass in a form similar to what is available today. He asked the committee to request an adjustment to the area for preservation, he feels it deserves consideration. It is his feelings that there is no home rule, that developers rule. The developers will make money and leave. The residents are left bearing the expenses. He suggested the committee consider rights, continue education on the Highlands Act and hopes by Harmony and others sending feedback to Trenton will make this a better bill.

Mitchell Jones spoke on land equity. He mentioned the pinelands people and said the state Transfer of Development Rights bill that is proposed is faulted and will not work. He noted the state aid payments are on a 10 year program on a declining scale. Referencing farmland preservation, if there is no development allowed, why preserve it? Committeewoman Postma asked Mr. Jones how property value decreases affect the farmer? He stated that in the Pinelands, the farm credit loans were pulled out the day after the bill was passed because of the loss in equity. He mentioned that one goal of the bill is a sound transportation system, he questioned why do we need a transportation plan in planning area if it's being preserved? He feels that the highlands region will bear the costs for the rest of the state.

Ken Raden discussed the developers and rights. He spoke about loss development rights and noted that the future will not give any more property value. He said that the buildable lots today will not be allowed tomorrow. He asked that the committee respect the wishes of the people opposing and vote against the bill.

Robert Shandor stated that everyone is in favor of preservation and the township is doing a good job already. He spoke about the bill compensating people in pinelands, why pass a bill for compensation if it's not going to do any harm? He congratulated the committee on their decision on passing the opposing resolution, he feels it's a bad bill.

Bob Milkovitz asked why would you want to take the farmers rights away? Why take away all the work that was done for preserving farmland?

Dale Crouse asked the committee to consider the farmland preservation program by purchasing land the right way. He suggested bonding to purchase the property from Dowel instead of opting that area into the Highlands. Mayor Mattei stated that the option to purchase this land to stop the development was discussed in the past by prior committee members but was not pursued.

Ray Raub stated one thing that should be remembered is we will loose control. He stated if the township wants to save land, to stay away from the state program. He noted that when you start giving away your rights, you can not make deals.

Zoning
Permit
Fees

Discussion ensued on the fees charged by surrounding municipalities for Zoning Permits. It was noted that Harmony Township does not charge for zoning permits. Different options were discussed and it was the consensus that a flat fee should be charged per application whether it is approved or denied. This is a way to offset the Zoning Officers salary and other debt incurred by the township for zoning purposes. Moved by Mattei, seconded by Burdge to authorize Attorney Edleston to prepare an ordinance establishing Zoning Permit Application Fee in the amount of \$20.00 each. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Fire
Extingui-
sher
Training

Moved by Burdge, seconded by Mattei authorizing fire extinguisher simulation training for township employees provided by Kistler O Brien in the amount of \$375.00. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none.

Cellular
Phones

The cellular phone contract was discussed. After demos with Nextel and Verizon it was decided to demo the Sprint phone before making a decision on what carrier to use to ensure the best possible plan and coverage area for the township.

Municipal
Directory

The Municipal Clerk distributed copies of a new municipal directory that was prepared by the Clerk s office. It was noted that the website is currently under construction and should be up and running sometime in June.

Adjourn-
ment

Moved by Burdge, seconded by Mattei to adjourn the meeting at 10:35 p.m. Roll Call: Ayes: Burdge, Mattei, Postma. Nays: none.

Kelley D. Smith, Municipal Clerk